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### **REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed February 8, 2005. In the Office Action, the Examiner notes that claims 1-57 are pending and rejected.

By this response, Applicants have cancelled claims 1-57 and added new claims 58-74.

In view of both the amendments presented above and the following discussion, the Applicant submits that none of the claims now pending in the application are non-enabling/indefinite or obvious under the respective provisions of 35 U.S.C. §112 and 103.

It is to be understood that the Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to the Applicant's subject matter recited in the pending claims. Further, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

### **OBJECTIONS**

The Examiner has objected to the drawings under 37 C.F.R. §1.83(a). In response, the Applicant has cancelled claims 1-57 and added new claims 58-74 that do not recite the "fifth receiver" and "sixth receiver" limitations. In view of the Applicant's amendments, the Applicant respectfully requests the objection be withdrawn.

### **REJECTIONS**

#### **35 U.S.C. §112**

##### **Claims 2 and 7-12**

The Examiner has rejected claims 2 and 7-12 for failing to comply with the written description requirement and failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. In response, the applicant has canceled claims 2 and 7-12, therefore the rejection of claims 2 and 7-12 now is moot.

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**35 U.S.C. §103****Claims 1-12 and 22-57**

The Examiner has rejected claims 1-12 and 22-57 under 35 U.S.C. §103(a) as being unpatentable over Korowitz et al. (U.S. Patent 4,482,980, hereinafter "Korowitz"). In response, the Applicant has canceled claims 1-12 and 22-57, therefore the rejection of claims 1-12 and 22-57 now is moot.

**Claims 13-21**

The Examiner has rejected claims 13-21 under 35 U.S.C. §103(a) as being unpatentable over Korowitz in view of Haller et al. (U.S. Patent 4,704,713, hereinafter "Haller"). In response, the Applicant has canceled claims 1-12 and 22-57, therefore the rejection of claims 1-12 and 22-57 now is moot.

**NEW CLAIMS**

New claims 58-74 have been added. The Applicant believes that claims 58-74 are fully supported by the specification and that no new matter has been entered. Claims 58-74 recite limitations patentable over the art of record. Thus, the Applicant respectfully requests allowance of claims 58-74.

Referring to the art cited by the Examiner, Korowitz teaches a network that includes two redundant optical cables 28 and 30 having redundant terminal nodes 24 and 25, respectively. The nodes 24 and 25 are coupled, by redundant metallic cables 22 and 24, to controller stations 10 and 11, as well as, by redundant metallic cables 21 and 23, to host computer 14 and keyboard 12 (col. 2, lines 33-53; FIG. 1).

However, Korowitz does not teach, show or suggest a WDM network comprising a plurality of fiber-optic rings each including a plurality of hub nodes and a plurality terminal nodes and coupled to other fiber-optic ring of the network using at least one redundant hub node, where said nodes are adapted for receiving and transmitting information at optical carriers associated with the

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respective fiber-optic ring, as recited in independent claim 58. Specifically, Applicant's claim 58 positively recites:

"A wavelength division multiplexing (WDM) network comprising:  
a plurality of fiber-optic rings;  
a plurality of terminal nodes, each terminal node comprising a main receiver, a redundant receiver, a main transmitter, and a redundant transmitter for each optical carrier associated with the terminal node; and  
a plurality of hub nodes coupling said fiber-optic rings, each hub node comprising at least one apparatus adapted for receiving and transmitting information at one optical carrier of a plurality of optical carriers associated with the fiber-optic rings coupled by the hub node;  
wherein said fiber-optic rings are coupled using at least one redundant hub node." (emphasis added).

Correspondingly, Haller teaches a single-ring optical network 100 operating at one wavelength and having a plurality of terminal nodes 102, 104, 106, and 108. The network 100 is adapted to operate in case of failure of any of the terminal nodes and does not comprise hub nodes. As such, for the reasons discussed above, Haller does not teach, show or suggest the Applicant's WDM network having a plurality of coupled fiber-optic rings, as recited in claim 58.

Moreover, Haller cannot be utilized to modify the network described by Korowitz in a manner that would result in the Applicants' network recited in claim 58. As such, a combination of Korowitz and Haller would not produce Applicant's invention.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Korowitz and Haller references, alone or in a combination, fail to teach or suggest the Applicant's invention as a whole.

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As such, the Applicant submits that independent claim 58 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder over Korowitz and Haller.

Furthermore, claims 59-74 depend, either directly or indirectly, from independent claim 58 and recite additional features thereof. As such, and at least for the same reasons as discussed above, the Applicant submits that dependent claims 59-74 are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.


### CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are non-enabling/indefinite or obvious under the respective provisions of 35 U.S.C. §112 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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